



DEVELOPMENT CONTROL COMMITTEE

Date – 9th October 2007

Report of Head of Planning and Building Control

Rear of 549 Bloxwich Road, WS3 2XD

Ref: E06/0552

1.0 PURPOSE OF REPORT

To request authority to take planning enforcement action following the refusal of a retrospective planning application under the scheme of delegations.

2.0 RECOMMENDATIONS

- 2.1 That authority is granted to the Head of Planning and Building Control and the Assistant Director of Legal and Constitutional Services for the issuing of an enforcement notice under the Town and Country Planning Act 1990 (As Amended), and requisitions for information notices as set out in 2.2 and 2.3.
- 2.2 To authorise that the decision as to the institution of legal proceedings, in the event of non-compliance with the Notice or the non-return of Requisitions for Information, be delegated to the Assistant Director - Legal and Constitutional Services.
- 2.3 That, in the interests of ensuring an accurate and up to date notice is served, authority be delegated to the Assistant Director - Legal and Constitutional Services in consultation with the Head of Planning and Building Control to amend, add to, or delete from the wording set out below stating the nature of the breach(es) the reason(s) for taking enforcement action, the requirement(s) of the Notice, or the boundaries of the site.:

Details of the Enforcement Notice

The Breach of Planning Control:-

Operational development comprising the installation of a storage container

Steps required to remedy the breaches:-

Remove the storage container from the land

Period for compliance:-

2 months

Reasons for taking Enforcement Action:-

The storage container presents a temporary appearance which is inconsistent with this well established residential area. Its retention on a permanent basis would be detrimental to the character and amenity of the area and contrary to policies GP2, 3.6 and ENV32 of Walsall's Unitary Development Plan

3.0 FINANCIAL IMPLICATIONS

None arising from the report.

4.0 POLICY IMPLICATIONS

The report recommends enforcement action in order to seek compliance with planning policies.

5.0 LEGAL IMPLICATIONS

None arising from the report.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

None arising directly from this report.

7.0 ENVIRONMENTAL IMPACT

The report seeks enforcement action to remedy adverse environmental impacts.

8.0 WARD(S) AFFECTED

Birchills, Leamore

9.0 CONSULTEES

Related planning applications 03/0704/FL/W3 and 07/0053/FL/W3 were subject to normal publicity.

10.0 CONTACT OFFICER

James Fox

Planning Enforcement Team: 01922 652527

11.0 BACKGROUND PAPERS

Planning Applications - 03/0704/FL/W3 and 07/0053/FL/W3
Enforcement file not published.

D. Elsworthy

Head of Planning and Building Control

Development Control Committee
9th October 2007

12 BACKGROUND AND REPORT DETAIL

- 12.1 549 Bloxwich Road was last used as a computer repairs shop, however; it is currently a vacant shop premises with a separate storage container located to the rear of dwellings 2 and 4 Cope Street.
- 12.2 Planning application 03/0704/FL/W3 for Retrospective siting of storage container was granted temporary permission subject to conditions on 4th September 2003. The permission was granted following consideration by the Walsall District Committee. The shop was at that time used for the sale of wooden materials and the Committee took into account the need of the shop to store long lengths of wood in the container.
- 12.3 The conditions required the removal of the container after a period of three years and restricted its use to storage ancillary to the shop at 549 Bloxwich Road.
- 12.4 Following planning enforcement investigation, application 07/0053/FL/W3 for permanent Retention of storage container was submitted. The application was refused planning permission for the reasons shown above in 2.3.
- 12.5 The container is essentially a temporary structure with an unattractive and utilitarian nature presenting a temporary appearance. The container is not consistent with the character of this residential area, and its retention on a permanent basis would be detrimental to amenity and contrary to policies.
- 12.6 In the circumstances enforcement action is recommended as set out in the recommendations.